

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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In re:	:	
	:	Chapter 11
	:	
ETOYS, INC., et al.,	:	Case Nos. 01-0706 (MFW)
	:	Through 01-0709 (MFW)
Debtors.	:	
	:	
-----X	:	
ROBERT K. ALBER, <i>Pro Se</i> ,	:	
	:	
Appellant,	:	Civil Action No. 05-830 (KAJ)
	:	
v.	:	
	:	
TRAUB, BONACQUIST & FOX LLP,	:	
BARRY GOLD, MORRIS NICHOLS	:	
ARSHT & TUNNELL LLP, and POST-	:	
EFFECTIVE DATE COMMITTEE OF	:	
EBC I, INC.,	:	
	:	
Appellees.	:	
-----X	:	

**APPELLEE/CROSS-APPELLANT MORRIS, NICHOLS, ARSHT &
TUNNELL’S MOTION TO STRIKE ITEMS IMPROPERLY DESIGNATED
BY ROBERT K. ALBER TO BE INCLUDED IN THE RECORD ON APPEAL
OF THE BANKRUPTCY COURT’S OCTOBER 4, 2005 ORDER**

Appellee/Cross-Appellant Morris, Nichols, Arsht & Tunnell (“MNAT”), pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, hereby moves to strike certain documents improperly designated by Appellant, Robert K. Alber, to be included in the record on appeal of the October 4, 2005 Order of the United States Bankruptcy Court, District of Delaware (Walrath, C.J. presiding), *inter alia*, (i) denying the emergency motion filed by Mr. Alber, (ii) approving settlement agreement between Traub, Bonacquist & Fox LLP and the Office of the United States Trustee, and (iii) approving the settlement between the Post-Effective Date Committee and

Goldman Sachs & Co., for and upon the reasons set forth in its Opinion, also dated October 4, 2005. The reasons supporting this Motion are set forth in Appellee's Motion to Strike Items Improperly Designated by Robert K. Alber to be Included in the Record on Appeal of the Bankruptcy Court's October 4, 2005 Order (the "TBF Motion to Strike"), filed by Appellee Traub, Bonacquist & Fox LLP on December 19, 2005. A copy of the TBF Motion to Strike, along with exhibits, is attached hereto and incorporated herein as Exhibit 1.

WHEREFORE, MNAT prays that the Court enter an order (a) striking certain documents improperly designated by Appellant, Robert K. Alber, for the reasons set forth in the TBF Motion to Strike; and (b) granting MNAT such further relief as is just and proper.

MORRIS, NICHOLS, ARSHT & TUNNELL

By: /s/ Gregory W. Werkheiser
Derek C. Abbott (No. 3376)
Gregory W. Werkheiser (No. 3553)
1201 N. Market St., 18th Floor
P.O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200

Dated: Wilmington, Delaware
December 29, 2005